

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

***Wednesday, November 12, 2003
9:00 a.m.***

Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 29, 2003, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, November 5, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 29, 2003.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meetings: August 13 and September 10, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 13 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. A Resolution requesting two hundred sixty thousand dollars from the State Water Resources Control Board's Cleanup and Abatement Account fund to assess atmospheric deposition, measure flow, and collect water quality data, perform modeling, and develop cleanup levels for the mouth of Chollas Creek in San Diego Bay. (Tentative Resolution No. R9-2003-0312) *(Brennan Ott)*
6. A Resolution requesting fifty four thousand dollars from the State Water Resources Control Board's Cleanup and Abatement Account fund to study marine sediment cleanup levels in San Diego Bay. (Tentative Resolution No. R9-2003-0315) *(Brennan Ott)*
7. NPDES Permit Revisions: Addenda to the NPDES permits for agencies discharging wastewater to the Pacific Ocean, indicated below, to increase surf zone monitoring frequencies and adopt "Standard Operating Procedures for the Collection of Water Samples for Bacterial Analysis from Ocean and Bay Receiving Waters" developed by County of San Diego Department of Environmental Health. *(Victor Vasquez)*
 - a. Encina Wastewater Authority Discharge to the Pacific Ocean through the Encina Ocean Outfall (tentative Addendum No. 3 to Order No. 2000-036, NPDES No. CA0107395)
 - b. Fallbrook Public Utility District Discharge to the Pacific Ocean via the Oceanside Ocean Outfall (tentative Addendum No. 1 to Order No. 2000-012, NPDES No. CA0108031)
 - c. City of Oceanside Discharge to the Pacific Ocean via the Oceanside Ocean Outfall (tentative Addendum No. 2 to Order No. 2000-011, NPDES No. CA0107433)
 - d. United States Marine Corps Base Camp Pendleton Discharge to the Pacific Ocean via the Oceanside Ocean Outfall (tentative Addendum No. 1 to Order No. R9-2003-0155, NPDES No. CA0109347)
8. NPDES Permit Reissuance: Padre Dam Municipal Water District, Padre Dam Water Recycling

- Facility, Discharge to Sycamore Creek and the San Diego River, San Diego County (tentative Order No. R9-2003-0179, NPDES No. CA0107492) (*David Hanson*)
9. Revision of Waste Discharge Requirements: Rancho California Water District Wastewater Reclamation Facilities, Riverside County (tentative Addendum No. 4 to Order No. 94-92) (*Brian Kelley*)
 10. Modification to Waste Discharge Requirements: General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Landfills Containing Hazardous and Nonhazardous Wastes within the San Diego Region: Former MCRD/NTC Landfill (change in discharger), Rainbow Canyon Landfill (change in owner), and San Pasqual Academy Burn Ash Site (new enrollee) (tentative Addendum No. 4 to Order No. 97-11) (*Brian McDaniel*)
 11. Modification to Cease and Desist Order: California Department of Transportation, San Joaquin Hills Transportation Corridor (SR-73), Orange County (revision to monitoring requirements) (tentative Addendum No. 1 to Cease and Desist Order No. 2001-198) (*Christopher Means*)
 12. Settlement of liability against Ryland Homes of California, Inc. for violation of Water Code sections 13376, 13267, and 13383 and SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with construction activity, Serenada Development, Murrieta, Riverside County. The Regional Board will consider accepting a proposed settlement for the liability. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2003-0291) (*Frank Melbourn*)
 13. Settlement of liability against Ashby Homes for violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with construction activity, Roripaugh Ranch construction site, Temecula, Riverside County. The Regional Board will consider accepting a proposed settlement for the liability. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2003-0302) (*Rebecca Stewart*)

Remainder of the Agenda (Non-Consent Items):

14. Waste Discharge Requirements: California Dept. of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County (tentative Order No. R9-2003-0228) (*Victor Vasquez*)
15. **PUBLIC HEARING:** Cease and Desist Order, California Dept. of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County (tentative Order No. R9-2003-0285) (*Victor Vasquez*)
16. Administrative Assessment of Civil Liability against Pioneer Builders for violations of the State Board's General Construction Storm Water Permit Order No. 99-08-DWQ, San Diego Region Basin Plan, and Cleanup and Abatement Order No. R9-2003-158 at the Castillo del Mar subdivision in Dana Point, California. The Regional Board will consider any offer of settlement of this matter or may deliberate and decide on assessment of civil liability based on testimony from the August 13, 2003 hearing. The Public Comment period is closed on this item. (Tentative Order No. R9-2003-0301) (*Rebecca Stewart*)

17. Waste Discharge Requirements: County of Orange, Prima Deshecha Landfill, Orange County (tentative Order No. R9-2003-0306) (*Amy Grove*)
18. Information Item: Presentation on efforts to address water quality problems resulting from copper-based antifouling paints on recreational boats by Leigh Taylor Johnson, Marine Advisor, University of California, Sea Grant Extension Program (*Pete Michael*)
19. Status Report: Framework of Grant Funded Water Quality and Beneficial Use Protection Programs--A Case Study Example from the City of Laguna Niguel, Orange County (*David Gibson*)
20. Approval of Year 2004 Board Meeting Schedule (*John Robertus*)
21. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ.

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263
22. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
23. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region

24. *Executive Session - Personnel*
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
25. Arrangements for Next Meeting and Adjournment
Wednesday, December 10, 2003 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. On July 9, 2002, the RWQCB issued a letter regarding the "Final Corrective Action Plan for Site 14151-14157, Marine Corps Base Camp Pendleton, California" dated April 2001 (CAP). On October 18, 2002, the RWQCB received the "Final Corrective Action Plan Addendum, Site 14151-14157, Marine Corps Base Camp Pendleton, California" prepared by Battelle, and dated April 2001 (CAP Addendum). The RWQCB finds that the CAP Addendum satisfactorily addresses all our concerns regarding the CAP and concurs with the proposed remedial strategy.

The CAP addresses soil and groundwater polluted by an unauthorized release of petroleum products (TPH-D and TPH-G) from former underground storage tanks (UST) located in the 14 Area of the Base. Based on the current understanding of subsurface site conditions, the consultant concludes the groundwater plume is slowly migrating and poses a threat to groundwater quality. Based on the evaluation of remedial alternatives, the consultant recommends the excavation of soil containing TPH concentrations greater than 2000 mg/kg. Following soil excavation, groundwater monitoring activities will be performed to verify the efficacy of remediation by natural attenuation (RNA) to remediate groundwater pollution. The case file is available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the CAP document referenced above. (*Beatrice Griffey*)

- B. 45-day Public Notice: On December 10, 2003, the Regional Board will consider adoption of Waste Discharge Requirements for Closure, Post-Closure Maintenance, and Monitoring at the County of San Diego, San Marcos Landfill (tentative Order R9-2003-0003). (*Carol Tamaki*)
- C. The California Regional Water Quality Control Board, San Diego Region (RWQCB) has reviewed the "Final Corrective Action Plan, Underground Storage Tank Site 13115, Marine Corps Base Camp Pendleton, California" prepared by Foster Wheeler Environmental Corporation and dated March 28, 2003 (CAP). A 1,000 gallon concrete underground storage tank system (UST) was installed in 1943 immediately west of former Building 13115 to contain and supply diesel fuel for a boiler used for heating purposes.

The CAP presents historical environmental activities conducted at the Site from 1986 through January 2003. During October of 1986, the UST failed a UST precision Test (Horner EZ Check). During March 1997, subsurface conditions encountered during the UST closure inspection indicated an unauthorized release of petroleum hydrocarbons had occurred at the site. Subsequent site assessment activities indicated the presence of elevated concentrations of petroleum products in site soils (3,100 mg/kg TPH-D and 12,619 mg/kg TRPH). Based on site conditions and the unsuccessful implementation of a remedial technology (bioventing), it was determined that the most appropriate remedial strategy for the site involved the excavation and offbase disposal of contaminated soils.

During the summer of 2002, approximately 4,800 yd³ (50' X 60' to maximum depth of 45') of contaminated soil was excavated from the site and disposed of at the Candelaria Landfill. Soil excavation activities were discontinued when the original estimated excavation volumes (2,000 yd³) were exceeded. Subsequent site assessment activities indicate that a 10' thick zone of soil at depths of 20' - 45' bgs (approximately 700 yd³, maximum concentration of 13,000 mg/kg TPH-D) remain at the site. Based on the results of a vadose zone vertical transport model (SESOIL) and the presence of a 5' to 6' thick clay layer at approximately 53' bgs, the consultant concludes that the potential for contaminants in soil to leach and migrate to the water table (>97.5' bgs) is extremely unlikely. The consultant concludes the Site meets RWQCB criteria for a low risk, soils-only site and recommends no further action and site closure. Based on the current understanding of site conditions, the RWQCB concurs with the consultant's recommendation presented in the CAP.

The case file is available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the CAP document referenced above. (*Beatrice Griffey*)